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January 17, 2002 LB 824

SENATOR CHAMBERS: Yes.

CLERK: Page 1, line 12, strike all language after the word "means" through the word "done" in line 13, and then insert the new language that you have there, right?

SENATOR CHAMBERS: Yes, that's the way I should have drafted it, and I want to thank Senator Bourne for reading it aloud. Senator Foley, I'd like to ask you a question now, if you're still on the floor.

SENATOR FOLEY: Yes.

SENATOR CHAMBERS: What objection would you find to this language, if any?

SENATOR FOLEY: Senator Chambers, help me to understand. The concept of premeditation has been in our statutes for decades, agree?

SENATOR CHAMBERS: Oh, yes.

SENATOR FOLEY: And the courts understand what we meant when...what the Legislature meant when they put that in the statute decades ago. There's...there's no ambiguity in the courts as to what that Legislature meant by that term.

SENATOR CHAMBERS: This language that is in the amendment that you have here I don't believe is in the statute.

SENATOR FOLEY: No, the existing definition of premeditation, the one that's been there for decades and decades.

SENATOR CHAMBERS: But what we're doing here, Senator Foley, is writing a definition for this bill that we're dealing with, so even if you can pick language out of a judicial opinion it still is best when you're writing, and I'm not lecturing, I'm giving my rationale, when you're writing a statute it is good to boil that language down and put it into the clearest formulation that you can so that the definition applies only to what you want it